

R.K. TANNER ASSOCIATES LLP
1099 S. Norfolk Street · Suite 350 · San Mateo · CA · 94403 · Tel 650.951.2520 · Fax 650.951.2521

1 ROD K. TANNER, (SBN 195479)
2 R.K. TANNER ASSOCIATES LLP
3 1900 S. Norfolk Street, Suite 350
4 San Mateo, CA 94403
5 Tel: (650) 931-2520
6 Fax: (650) 931-2521
7 rkt.assoc@comcast.net

8 *Counsel for Defendants, Bay Area Equity Group, LLC,*
9 *Antranik Kabajouzian aka Anto Kabajouzian and*
10 *My Self Direct, LLC*

11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION**

13 ANTONIA LONERGAN, individually and on
14 behalf of a class of similarly situated persons,

15 Plaintiff,

16 vs.

17 PROVIDENT TRUST GROUP, LLC, MY
18 SELF DIRECT, LLC, BAY AREA
19 EQUITY GROUP, LLC, VANGUARD
20 TITLE INSURANCE AGENCY, LLC,
21 ANTRANIK KABAJOUZIAN a/k/a ANTO
22 KABAJOUZIAN, and DOES 1-3,

23 Defendants.

Case No. C 13-02081-WHA

Date: September 12, 2013

Time: 8:00 a.m.

Courtroom: 8

Judge: Hon. William H. Alsup

**DEFENDANT MY SELF DIRECT,
LLC'S SECOND AMENDED NOTICE
OF MOTION AND MOTION TO
DISMISS; MEMORANDUM OF
POINTS AND AUTHORITIES;
DECLARATION OF JUSTIN
BACHMAN; DECLARATION OF ROD
K. TANNER; [PROPOSED] ORDER**

DATE OF FILING: MAY 7, 2013

TRIAL DATE: NONE

24 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

25 PLEASE TAKE NOTICE that on September 12, 2013 at 8:00 a.m., or as soon thereafter
26 as the matter may be heard in Courtroom 8 of the above-entitled Court located at 450 Golden
27 Gate Avenue San Francisco, CA 94102, Defendant My Self Direct, LLC ("My Self Direct") will
28 and hereby does move the Court to dismiss the putative Class Action Complaint ("Complaint"),
pursuant to Fed. R. Civ. P. 12(b)(6), filed against it by Plaintiff Antonia Lonergan, individually

1 and on behalf of a purported class of similarly situated persons ("Plaintiff"), on the ground that
2 the Complaint fails to state a claim upon which relief can be granted.

3 This motion is supported by the following memorandum of points and authorities, the
4 Declaration of Justin Bachman and the Declaration of Rod K. Tanner filed and served on July
5 18, 2013 as Docket Item No. 20.

6 Dated: July 25, 2013

R.K. TANNER ASSOC. LLP



Rod K. Tanner, Counsel for Bay Area Equity
Group, LLC, Antranik Kabajouzian aka Anto
Kabajouzian and My Self Direct, LLC

CERTIFICATE OF SERVICE

I am employed in the County of San Mateo, State of California. I am over 18 and not a party to the within action. My business address is 1900 S. Norfolk Street, Suite 350, San Mateo, CA 94403.

On July 25, 2013, I served in the manner indicate below the foregoing documents described as:

DEFENDANT MY SELF DIRECT, LLC'S NOTICE OF MOTION AND MOTION TO DISMISS; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF JUSTIN BACHMAN; DECLARATION OF ROD K. TANNER; [PROPOSED] ORDER

on the interested parties in this action:

PLAINTIFF COUNSEL	Cathy J. Lerman, Esquire (pro hac vice) CATHY JACKSON LERMAN, PA 1440 Coral Ridge Drive Coral Springs, FL 33071 954.663.5818 954.341.3568, fax clerman@lermanfirm.com
PLAINTIFF COUNSEL	David Keith Dorenfeld, Esquire Michael W. Brown, Esquire SNYDER & DORENFELD, LLP 5010 Chesebro Road Agoura Hills, CA 91301 818.865.4000 818.865.4010, fax David@sd4law.com
PLAINTIFF COUNSEL	Lawrence T. Fisher, Esquire BURSON & FISHER, P.A. 1990 North California Boulevard, Suite 940 Walnut Creek, California 94596 925.300.4455 925.407.2700, fax lrfisher@bursor.com
DEFENDANT COUNSEL	Matthew L. Lalli mlalli@swlaw.com SNELL & WILMER L.L.P. 15 West South Temple, Suite 1200 Salt Lake City, UT 84101 801.257.1900 801.257.1800, fax Alina Mooradian amooradian@swlaw.com Jonathan R. Murphy jrmurphy@swlaw.com SNELL & WILMER L.L.P. 600 Anton Boulevard, Suite 1400 Costa Mesa, CA 92626-7689 714.427.7000 714.427.7799, fax